

# **MIDDLETOWN ZONING BOARD OF REVIEW MINUTES of MAY 24, 2011**

**The monthly meeting of the Middletown Zoning Board of Review was held on May 24, 2011 at 7:00 p.m. Present at this meeting were Chairman- Tom Silveira, Vice-Chairman -Peter Van Steeden, Secretary- Lucy Levada- Board members, Steve MacGillivary. New Board Members were appointed by the Town Council Charles Vaillancourt, for a 5 year term and 3 alternates for a 1 year term.- 1st Alternate-James Miller, 2nd Alternate -Nicholas Pasyanos, 3rd Alternate-Olin Gambrell. Also present were Town Solicitor- Michael Miller and Zoning Official Jack Kane.**

**Absent at this meeting was Steve MacGillivary.**

**A Motion was made by Peter Van Steeden and second by Charles Vaillancourt to accept the minutes of the May 10, 2011 meeting Motion carried 5-0**

## **CONTINUANCES/ WITHDRAWALS**

**1. Petition of: Bonnie Zimble (2 Petitions)- Special Use and Variance-----June 2, 2011**

## **SUMMARY CASES:**

**1. Petition of: Deborah Murphy-102 Ridgewood Road-Middletown, R.I.(owner)-for a Variance from Section 603,&701-to construct a 17'x46.5'one story addition with a left side yard setback of 9.3' where 15'is required. Said real estate is located at 102 Ridgewood Road and further identified as Lot 7 on Tax Assessor's Plat 107.**

**A Motion was made by Peter Van Steeden and second by Lucy Levada to grant the petition granted 5-0**

**2. Petition of: Marc Paradis- 167 Seascap Ave.- Middletown, R.I.-(owner)-Stometite Co..Inc. C/O-Stephen Bator-1065 Warwick R.I.(applicant)- for a variance from sections 603,701,& 803G-to construct a 8'x24' rear deck with a rear yard setback of 26.7' where 30' is required. Said real estate is located at 167 Seascap Ave. And further identified as Lot 115 on Tax Assessor's plat 115 SE**

**A Motion was made by Peter Van Steeden and second by Charlie Vaillancourt to grant the petition. Petition granted 5-0**

## **FULL HEARINGS:**

**1. Petition of: Amy and Sean Cassedy- 15 Indian Terrace-Middletown, R.I. (owner)- for a Variance from sections 603,& 701- to install a 14'x16' shed with a rear yard setback of 1.5' where 15' is required, and**

side yard setbacks of 1.5' on the east side and 2.5' on the north side yard where 30' is required. Said real estate is located at 15 Indian Terrace and further Identified as Lot 46A on Tax Assessor's Plat 129.

Page 2

Mr. Cassedy presented Exhibit A - A Locus Map showing the Schematic top view of the entire property and shed placement and stated that this is the only place he could put this shed. The board was concerned about repairs when needed to this shed and Mr. Cassedy stated that it could be moved if it needs to be worked on. A Motion was made by Peter Van Steeden and second by Charles Vaillancourt to grant the petition. Petition granted 5-0

2. Newport Insurance Agency-460 East Main Road-Middletown, R.I.- (owner)-for a Special Use Permit from Section 1211(B) -to allow two free standing signs where one sign is allowed. Said real estate is located at 460 East Main Road and further identified as Lot 154 on Tax Assessor's Plat 113.

Mr. Bob Hole represented Newport Insurance and presented # Exhibit 1- Picture of Forest Ave. Showing a stand of a previous sign that was there for the previous owners and stated that he needs clear signage identifying his business for traffic on East Main Rd. and Forest Ave. This is consistent with what has existed on the property for the previous business owners located there.

**A motion was made by Charles Vaillancourt and second by Peter Van Steeden to grant the petition. Petition granted 5-0**

**3. Petition of: Nicole and David Chang- 105 Salisbury Rd. \_ Brookline, MA (owner)-for a Variance from Sections 701, 603, 803G- to construct a 52'x24.5' second floor addition with a front yard setback of 5.1' on Stimpson St. where 25' is required and a north side yard setback of 2.6' where 15' is required and lot coverage of 26' where 25% is allowed. Said real estate is located at 4 Stimpson St. And further identified as lot 60 on Tax Assessor's Plat 116SE**

**Mrs. Chang was sworn in and stated her petition. Exhibit A-5 page plat Map showing houses and maps and plats. Exhibit B- Renderings. She stated that she wants 4 bedrooms and 2 bathrooms and all the living space will be upstairs bedrooms will be # Exhibit C- Back of the house. #Exhibit D- Paul Hogan (Real Estate expert) represented Mr. Chang and showed a 17 page of existing properties in the area Mr. Tom Cook an abutter spoke about the height and would like to see a 10' setback and a 22 1/2' elevation.**

**Ms. Sarah Gill also spoke about Historical matters. And she keeps an eye on projects in that area and the surrounding areas.**

**Mr. Chang stated that this property when they are not there will not be rental property.**

**A Motion was made by Charlie Vaillancourt and second by Peter Van Steeden to grant the petition with conditions**

- 1. The east elevation 12' gable project**
- 2. 2' A frame set back 2' false gable over 1st floor**

## **Petition granted 5-0**

**4. Petition of: - Bonnie Zimble -P.O. Box3129- Newport, R.I. (Owner) -K.J.'s Pub Inc.-59 Aquidneck Ave.-Middletown. R.I.(applicant)- by their Attorney Jeremiah C. Lynch 111- for a variance from Sections 603,701 &803G&1304- to construct a roof over south side entry door with a side yard setback of 8' where 20' is required, to construct an open pergola roof over the**

## **Page 3**

**proposed outdoor seating with a side yard setback of 0' where 20' is required, increase lot coverage to 29% where 25% is allowed and increase capacity by 32 people requiring 10 additional parking spaces where 0 additional parking spaces are provided. Said real estate is located at 59 Aquidneck Ave. and further identified as L 169 on Tax Assessor's Plat 115 SE.**

**5. Petition of: Bonnie Zimble- PO Box 3129- Newport, R.I. (Owner)-K. J.'s Pub Inc.- 59 Aquidneck Ave,- Middletown, R. I. (Applicant)- by their Attorney Jeremiah C. Lynch,111-for a Special Use Permit from Section 602- to permit additional outside seating where alcohol will be served. Said real estate is located at Aquidneck Ave, and further identified as Lot 169 on Tax Assessor's Plat 115 SE**

Attorney Jeremiah Lynch represented K.J. Pub and introduced Ms. Julie Finnegan who is the manager of the Pub and stated that they need 32 more added customers outside and would be seated at the south west corner and would serve liquor and food. . They would also need 10 additional parking places. Restaurant hours would be open at 11:30 P.M. and closing at 11:30 P.M. Exhibit A- Landscape plan-Ms. Finnigan stated that Mr. Jack Ellis takes care of the whole operation at K.J's. and Mr. Gullison is the owner. she stated that there is on the 1st floor is 5 tables and 12 bar stools holding 50 customers down stairs and 80 customers upstairs for a total of 130 customers. Exhibit B- Real Estate Expert Richard Carrubba Credentials. Exhibit C-11 Page renderings of K J's Pub.

Attorney Robert M. Silva is representing Mrs. Rose Marie Nunes and abutter directly next door to K. J's Pub. Mr. Silva stated that when you add up all the seating they have well over the 130 that they claim they have. .He also wanted to know how many are allowed according to the Fire Marshall's numbers that are listed on the wall. Mr. Silva says he counts the number to be 218 not 130.Due to the lateness of night Mr. Silva asked for a special meeting as he has to present his witnesses and that would take a while.

A motion was made by Peter Van Steeden and second by Charlie Vaillancourt to have a special meeting on June 2, 2011

Meeting adjourned 9:35 p.m.

**Respectfully submitted**

**Lucy R. Levada**